

SUPPORT FOR THE AMENDMENTS

The specification has been amended to recite a claim of priority to related International and German patent applications, as set forth in the originally filed Application Data Sheet.

The present amendment amends claims 10 and 26. Support for the amendment to claims 10 and 26 is found at specification page 1, lines 25-27.

It is believed that these amendments to the specification and claims have not resulted in the introduction of new matter.

REMARKS

Claims 10-26 are currently pending in the present application. Claims 10 and 26 have been amended by the present amendment.

The rejections under 35 U.S.C. § 103(a) of: (1) claims 10, 11, 14, 15 and 22-26 as being obvious over Thornber (U.S. 3,969,454) in view of Ortalano (U.S. 6,503,317); (2) claims 13 and 16-21 as being obvious over Thornber in view of Ortalano and Nakamichi (JP 55-164142); and (3) claim 12 as being obvious over Thornber in view of Ortalano and Iwata (U.S. 6,376,582), are respectfully traversed in part, and obviated by amendment in part, with respect to claims 10-26, which incorporates the limitation that the colored, oriented strand board comprises wood strands that are oriented in a cross-directional fashion into amended claims 10 and 26.

Thornber, Ortalano, Nakamichi and Iwata, when considered alone or in combination, fail to disclose or suggest the colored, oriented strand board comprising layered wood strands that are oriented in a cross-directional fashion and a process for producing the same, as presently claimed in claims 26 and 10, respectively. Contrary to the Official Action, the colored, oriented strand board of the present invention is fundamentally different from the particleboard described in Thornber and Nakamichi, the fiberboard described in Iwata, and the pulp and paper described in Ortalano. As a result, Thornber, Ortalano, Nakamichi and Iwata, when considered alone or in combination, fail to anticipate or render obvious the presently claimed invention.

Amended claim 10 recites a process for producing a colored, oriented strand board comprising: contacting wood strands which serve as a base material for at least one of three layers of the oriented strand board with a liquid colorant preparation which comprises at least one pigment and at least one dye; resinating and forming the wood strands into a three-layered mat comprising a center layer and two outside layers, wherein the wood strands of the center and outside layers are oriented in a cross-directional fashion; and hot-pressing the three-layered mat into the colored, oriented strand board.

Amended claim 26 recites an oriented strand board colored with a colorant preparation which comprises at least one pigment and, based on the pigment, from 0.5% to 10% by weight of at least one dye, wherein the oriented strand board comprises layered wood strands that are oriented in a cross-directional fashion.

In contrast, Thornber and Nakamichi describe a colored particleboard and a method of making the same, Iwata describes a fiberboard and a method of making the same, and Ortalano describes an aqueous dispersion comprising dye and pigment for use in the manufacture of various products including pulp and paper (See e.g., Thornber at abstract, Fig. 1 and claim 1; Nakamichi at abstract, page 1, lines 8-13, and page 3, line 16; Iwata at abstract, Fig. 1, and column 4, lines 22-67; and Ortalano at abstract, and column 1, lines 5-16).

Unlike the presently claimed colored, oriented strand board, which comprises layered wood strands that are oriented in a cross-directional fashion, the particleboards of Thornber and Nakamichi, the fiberboard of Iwata, and the pulp and paper of Ortalano, comprise a mixture of randomly orientated wood particles, flakes, chips or fibers. Therefore, Thornber, Ortalano, Nakamichi and Iwata, when considered alone or in combination, fail to anticipate or render obvious the presently claimed invention.

Withdrawal of these grounds of rejection is respectfully requested.

The provisional nonstatutory obviousness-type double patenting rejection of claims 10 and 22-26 as being unpatentable over claims 1, 3-6 and 11 of copending application 10/529,862 (Krusemann U.S. 2006/0048675) in view of Thornber (U.S. 3,969,454), is respectfully traversed in part and obviated by amendment in part, which incorporates the limitation that the colored, oriented strand board comprises wood strands that are oriented in a cross-directional fashion into amended claims 10 and 26.

Krusemann describes a liquid colorant preparation comprising at least one pigment and 0.5-10 wt. % of at least one dye based on the weight of the pigment, and use of the liquid colorant

preparation in the production of colored medium density fiberboard (MDF), high density fiberboard (HDF) and chipboard (See e.g., abstract, [0001]-[0004], [0010], [0163]-[0168] and claims 1, 7, 11 and 12).

Thornber describes a colored particleboard and a method of making the same (See e.g., abstract, Fig. 1 and claim 1).

Unlike the presently claimed colored, oriented strand board, which comprises layered wood strands that are oriented in a cross-directional fashion, the fiberboard of Krusemann and the particleboard of Thornber comprise a mixture of randomly orientated wood particles, flakes, chips or fibers. Therefore, Krusemann and Thornber, when considered alone or in combination, fail to anticipate or render obvious the presently claimed invention.

Withdrawal of this ground of rejection is respectfully requested.

In conclusion, Applicants submit that the present application is now in condition for allowance and notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



David P. Stitzel
Attorney of Record
Registration No. 44,360

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)